

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS,  
BROWNSVILLE DIVISION**

**GLEN RUMSEY,  
Plaintiff**

**v.**

**TRANSMaquILA, INC. a/k/a  
TRANSMaquILA FLEET SALES &  
FRED GARCIA,  
Defendants**

§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 1:22-cv-33**

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**EXHIBIT A  
INDEX OF MATTERS BEING FILED PER LOCAL RULE 81**

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1. ALL EXECUTED PROCESS
  - Affidavit of Service for Defendant Transmaquila, Inc., attached as part of *Exhibit A*
2. PLEADINGS ASSERTING CAUSES OF ACTION AND ALL ANSWERS TO SUCH PLEADINGS
  - Plaintiff's Original Petition, attached as part of *Exhibit A*
3. ALL ORDERS SIGNED BY THE STATE JUDGE - *None*
4. DOCKET SHEET
  - Case Summary for Case No. 2021-CCL-01071, *Glen Rumsey v. TransMaquila, Inc. a/k/a TransMaquila Fleet Sales & Fred Garcia*, pending in the County Court at Law No. 1 of Cameron County, Texas, attached as part of *Exhibit A*
5. LIST OF ALL COUNSEL OF RECORD
  - *List of All Counsel of Record*, attached as *Exhibit B*

COUNTY COURT AT LAW I  
**CASE SUMMARY**  
CASE NO. 2021-CCL-01071

Glen Rumsey

VS

TransMaquila, Inc.

§  
§  
§  
§

Location: County Court at Law I  
Judicial Officer: McDonald, Arturo A., Jr.  
Filed on: 12/08/2021

CASE INFORMATION

Case Type: **Injury or Damage-Motor Vehicle**

Case Status: **12/08/2021 Pending**

Case Flags: **Jury Fee Paid**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number 2021-CCL-01071  
Court County Court at Law I  
Date Assigned 12/08/2021  
Judicial Officer McDonald, Arturo A., Jr.

PARTY INFORMATION

Plaintiff

Rumsey, Glen

Lead Attorneys

Madrigal, Marc D, II

Retained

512-477-7333(W)

Defendant

TransMaquila, Inc.

DATE

EVENTS & ORDERS OF THE COURT

INDEX


12/08/2021 Original Petition (OCA)


12/08/2021  Efiled Original Petition Document  
*Plaintiffs Original Petition*

12/08/2021 Jury Fee Paid  
Party: Plaintiff Rumsey, Glen

12/08/2021  Citation Issued(PD)  
Party: Plaintiff Rumsey, Glen

12/08/2021 **Citation**  
TransMaquila, Inc.  
Served: 03/02/2022

03/03/2022  Civil Process Service  
Party: Defendant TransMaquila, Inc.

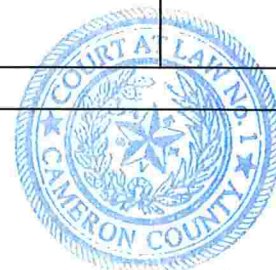
03/16/2022  Request for Copies

DATE

FINANCIAL INFORMATION

**Defendant** TransMaquila, Inc.  
Total Charges  
Total Payments and Credits

A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 1 of 2  
PAGE 1 OF 2



1.00  
1.00

Printed on 03/24/2022 at 3:56 PM

COUNTY COURT AT LAW 1  
**CASE SUMMARY**  
CASE NO. 2021-CCL-01071

<b>Balance Due as of 03/24/2022</b>	<b>0.00</b>
<b>Plaintiff</b> Rumsey, Glen	
Total Charges	306.00
Total Payments and Credits	306.00
<b>Balance Due as of 03/24/2022</b>	<b>0.00</b>



A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 2 of 11

FILED  
2021-CCL-01071  
12/8/2021 9:57 AM  
Sylvia Garza-Perez  
Cameron County Clerk

CAUSE NO. 2021-CCL-01071

GLEN RUMSEY,	§	IN COUNTY COURT
<i>Plaintiff,</i>	§	
	§	
VS.	§	Cameron County - County Court at Law I
	§	
	§	AT LAW NO. _____
TRANSMQUILA, INC. a/k/a	§	
TRANSMQUILA FLEET SALES &	§	
FRED GARCIA,	§	
<i>Defendants.</i>	§	CAMERON COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW Glen Rumsey (hereinafter "Plaintiff") and files this *Plaintiff's Original Petition*, complaining of and against TransMaquila, Inc. a/k/a TransMaquila Fleet Sales and Fred Garcia (collectively "Defendants"), and in support thereof would respectfully show the court as follows:

**I. DISCOVERY PLAN LEVEL**

1. Pursuant to the provisions of Texas Rules of Civil Procedure 190.2, Plaintiff intends to conduct discovery according to Discovery Control Plan Level 1.

**II. PARTIES**

2. Plaintiff is an individual and resident of the State of Texas.

3. Defendant, TransMaquila, Inc. a/k/a TransMaquila Fleet Sales (hereinafter "Defendant TMI"), is a for-profit corporation authorized to do business in the State of Texas and may be served with citation by serving its registered agent, Juan Benito Garcia at 7005 North FM 511 Brownsville, Texas 78526. Issuance of citation is requested at this time.

4. Defendant, Fred Garcia (hereinafter "Defendant Garcia"), is an individual whose location in this present time is unknown. Issuance of citation is not requested at this time.

*Plaintiff's Original Petition*

A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 3 of 11



### **III. JURISDICTION AND VENUE**

5. This Court has jurisdiction over this case and the damages sought are within the jurisdictional limits of this Court. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief of \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs.

6. Venue is proper in Cameron County, Texas, pursuant to Texas Civil Practice & Remedies Code section 15.002(a)(2) because Defendant TMI is a corporation whose principal office in this state was in Cameron County at the time the cause of action accrued.

### **IV. FACTUAL BACKGROUND**

7. This is a suit for negligence. On or about October 26, 2020, Plaintiff was the driver of a 1997 Toyota Corolla, traveling southbound on IH-35 in Round Rock, Williamson County, Texas. At the aforementioned time, Defendant Garcia, acting under the scope of his employment with Defendant TMI, was driving a 2019 Freightliner PT1 which was also southbound on IH-35.

8. Prior to the collision in question, Plaintiff and Defendant Garcia both came to a complete stop due to traffic. As Plaintiff lawfully and properly remained stopped in his lane, suddenly and unexpectedly, Defendant Garcia failed to keep a proper lookout and attempted to merge into Plaintiff's lane, causing the collision with Plaintiff's vehicle.

9. Plaintiff sustained serious personal injuries as a result of Defendants' negligence. Other additional acts and omissions may be determined as discovery in this case progresses and Plaintiff reserves the right to supplement the same.

### **V. CAUSES OF ACTION**

10. Defendant Garcia had common-law and statutory duties to exercise the degree of care that a reasonably prudent person would use in circumstances similar to those described herein.





Defendant Garcia negligently breached those duties and that negligence proximately caused injury and damage to Plaintiff. Defendant Garcia's negligence consisted of the following acts and omissions, based on the information currently available to Plaintiff:

- a. failing to keep a proper lookout;
- b. failing to yield the right of way;
- c. merging into a different lane without first verifying that it was safe to do so;
- d. failing to properly exercise control of his vehicle;
- e. failing to take proper evasive action so as to avoid a collision with Plaintiff's vehicle;
- f. failing to apply timely his brakes so as to avoid a collision with Plaintiff's vehicle; and
- g. in all things failing to act as a reasonable person using ordinary care in the same or similar circumstances.

11. At the time of the collision described above, Defendant Garcia was the agent, servant, or employee of Defendant TMI and was acting within scope of his authority as agent, servant or employee.

12. As a result of such negligence, singularly or in combination with other negligent acts of Defendants, Defendants proximately caused the occurrence that made the basis of this action, including the injuries and damages sustained by Plaintiff.

#### VI. DAMAGES

13. Because of Plaintiff's injuries and damages proximately caused by Defendants' negligence, Plaintiff is entitled to reasonable compensation, including but not limited to the following elements of damages both up to the time of trial and beyond:

- a. reasonable and necessary medical expenses;
- b. physical impairment;



- c. physical pain and suffering;
- d. mental anguish;
- e. property damages;

14. Considering each of these elements, Plaintiff has suffered damages within the jurisdictional limits of this court.

#### **VII. NOTICE OF SELF-AUTHENTICATION**

15. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives notice that any documents produced by Defendants in response to written discovery authenticates the document for use against Defendants in any pre-trial proceeding or at trial.

#### **VIII. PRAYER**

16. WHEREFORE, Plaintiff prays judgment against Defendants, jointly and severally, for the actual damages pre-judgment and post-judgment interest at the legal rates for the time periods permitted by law, costs of court, and for all other relief, legal and equitable, to which Plaintiff is entitled.

Respectfully submitted,

LORENZ & LORENZ, P.L.L.C.  
1515 South Capital of Texas Hwy, #500  
Austin, Texas 78746  
Telephone: (512) 477-7333  
Facsimile: (512) 477-1855

By: /s/ Marc Madrigal  
Marc D. Madrigal II  
State Bar No. 24115011

ATTORNEY FOR PLAINTIFF

A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 6 of 11



*Plaintiff's Original Petition*

Citation for Personal Service

Cause No. **2021-CCL-01071 -A**  
**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO THE DEFENDANT:

**TransMaquila, Inc. aka TransMaquila  
Fleet Sales  
Juan Benito Garcia  
7005 North FM 511  
Brownsville, TX 78526**

GREETINGS:

You are commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before 10:00 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable County Court at Law I of Cameron County at the Court House of said county in Brownsville, Texas.

Said Plaintiff's Petition was filed in said court, by Marc D Madrigal, II (Attorney for Plaintiff or Plaintiff), whose address is 1515 S Capital Of Texas HWY 500 Austin TX 78746 on December 08, 2021, in this case numbered 2021-CCL-01071 on the docket of said court, and styled,  
Glen Rumsey

VS

TransMaquila, Inc. aka Transmaquila Fleet Sales & Fred Garcia  
The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 8th day of December, 2021.



Sylvia Garza-Perez, County Clerk  
Cameron County, Texas  
974 E. Harrison St.  
(P.O. Box 2178)  
Brownsville, Texas 78522-2178

By /s/David Jacinto, Deputy  
David Jacinto

SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock and executed (not executed) on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock, by delivering to \_\_\_\_\_ in person a true copy of this Citation, upon which I endorsed the date of delivery, together with the accompany copy of the \_\_\_\_\_. Cause of failure to execute this citation is: \_\_\_\_\_.

FEES serving 1 copy

Total . . . . . \$ \_\_\_\_\_ Sheriff/Constable \_\_\_\_\_ County, Texas

Fees paid by: \_\_\_\_\_ By \_\_\_\_\_, Deputy



**A CERTIFIED COPY**  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 7 of 11



**David Jacinto**

---

**From:** David Jacinto  
**Sent:** Wednesday, December 8, 2021 4:08 PM  
**To:** 'heather@lorenzandlorenz.com'  
**Subject:** 2021CCL1071  
**Attachments:** Citation IssuedPD.pdf

Good Afternoon,

Please, open the attachment to view the citation you requested.

Sincerely,

***David Jacinto,***  
***Deputy Clerk***  
Cameron County Clerk  
974 E. Harrison St.  
Brownsville, Texas 78521  
956-544-0826



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SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 8 of 11



FILED  
2021-CCL-01071  
3/3/2022 4:41 PM  
Sylvia Garza-Perez  
Cameron County Clerk

Citation for Personal Service

Cause No. **2021-CCL-01071 -A**  
**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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Brownsville, TX 78526**

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Glen Rumsey

VS

TransMaquila, Inc. aka Transmaquila Fleet Sales & Fred Garcia

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The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 8th day of December, 2021.



Sylvia Garza-Perez, County Clerk  
Cameron County, Texas  
974 E. Harrison St.  
(P.O. Box 2178)  
Brownsville, Texas 78522-2178

By /s/David Jacinto, Deputy  
David Jacinto

SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock and executed (not executed) on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock, by delivering to \_\_\_\_\_ in person a true copy of this Citation, upon which I endorsed the date of delivery, together with the accompany copy of the \_\_\_\_\_. Cause of failure to execute this citation is: \_\_\_\_\_.

FEES serving 1 copy

Total . . . . . \$\_\_\_\_\_ Sheriff/Constable \_\_\_\_\_ County, Texas

Fees paid by: \_\_\_\_\_ By \_\_\_\_\_, Deputy

**AFFIDAVIT  
ATTACHED**



**A CERTIFIED COPY**  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 9 of 11

**AFFIDAVIT OF SERVICE**

State of Texas

County of Cameron

Number 1 County Court

Case Number: 2021-CCL-01071

Plaintiff:  
**GLEN RUMSEY,**

vs.

Defendant:  
**TRANSMaquILA, INC. a/k/a  
TRANSMaquILA FLEET SALES &  
FRED GARCIA,**

For:  
Marc Madrigal II - New  
Lorenz & Lorenz LLP  
1515 South Capital of Texas Hwy  
#500  
Austin, TX 78745



Received by Kim Tindall & Associates Inc. on the 23rd day of February, 2022 at 2:26 pm to be served on TransMaquila, Inc. a/k/a TransMaquila Fleet Sales by serving its registered agent, Juan Benito Garcia, 701 E. Levee St., Brownsville, Cameron County, TX 78520.

I, Irma Aracely Vazquez, being duly sworn, depose and say that on the 2nd day of March, 2022 at 10:13 am, I:

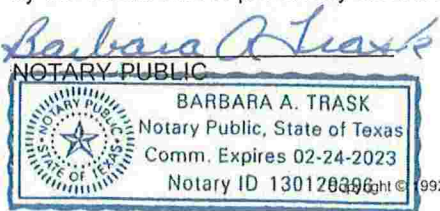
EXECUTED by delivering to the within named business entity, TransMaquila, Inc. a/k/a TransMaquila Fleet Sales a true copy of the Citation, Plaintiff's Original Petition with the date of service endorsed thereon by me, to **Juan Benito Garcia, Registered Agent** in person at the Work address of **701 E. Levee St., Brownsville, Cameron County, TX 78520**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 55, Sex: M, Race/Skin Color: Hispanic, Height: 5'6", Weight: 200, Hair: Black, Glasses: N

I am over eighteen, not a party to nor interested in the outcome of the above numbered suit and that I am certified to serve civil process. I have personal knowledge of the facts set forth in the foregoing affidavit and declare that the statements therein contained are true and correct. I am familiar with the Rules of Civil Procedure. I have never been convicted of a Felony or Misdemeanor involving Moral Turpitude.

NOTARY PUBLIC IN AND FOR  
THE STATE OF Texas

Subscribed and Sworn to before me on  
the 2 day of March, 2022  
by the affiant who is personally known to me.



Irma Aracely Vazquez  
PSC-16683 Exp: 6/30/2023

Kim Tindall & Associates Inc.  
16414 San Pedro Suite 900  
San Antonio, TX 78232  
(210) 697-3400

Our Job Serial Number: KTA-2022000502

**A CERTIFIED COPY**  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 10 of 11





James H. Hunter, Jr., Partner  
[jim.hunter@roystonlaw.com](mailto:jim.hunter@roystonlaw.com)

Sauna A. Lozano, Associate  
[sauna.lozano@roystonlaw.com](mailto:sauna.lozano@roystonlaw.com)  
Internet: [www.roystonlaw.com](http://www.roystonlaw.com)

ROYSTON  
EST. 1892  
RAYZOR

FILED  
2021-CCL-01071  
3/16/2022 11:14 AM  
Sylvia Garza-Perez  
Cameron County Clerk

55 Cove Circle  
Brownsville, TX 78521  
P.O. Box 3509  
Brownsville, TX 78523-3509  
Main: 956.542.4377  
Fax: 956.542.4370

March 16, 2022

**VIA E-FILING**

County Clerks  
Civil Department  
964 E. Harrison St.  
Brownsville, Texas 78520

Re: Cause No. 2021-CCL-01071; *Glen Rumsey vs. Transmaquila, Inc. a/k/a Transmaquila Fleet Sales & Fred Garcia.*; Pending in the Court at Law No. 1, in Cameron County, Texas  
Our File No. 65417

Dear Sir or Madam,

This letter is to request copies of any served citations that have been filed on the above referenced cause. Please send copies to [valuary.cisneros@roystonlaw.com](mailto:valuary.cisneros@roystonlaw.com).

Should you have any questions, please call (956) 542-4377.

Sincerely,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, LLP

By: /s/ Valuary Cisneros  
Valuary Cisneros, Paralegal

A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 11 of 11



State of Texas  
County of Cameron  
I, SYLVIA GARZA-PEREZ, County Clerk of Cameron County, Texas, do hereby certify that the foregoing is a true and correct copy of the original now on file and/or recorded by me in the Civil/Probate Dept.  
Records  
By Mina Barron 3/24/2022 Date  
Deputy  
SYLVIA GARZA-PEREZ, County Clerk